

## **REMARKS**

### *Status of Application, Amendments, and/or Claims*

Claims 19-41 constitute the claims pending and under consideration prior to this Amendment. Applicants cancel, without prejudice, claims 20, 22, and 31-41. Applicants reserve the right to prosecute claims with identical or similar scope in one or more future continuation or divisional applications. Claims 1-18 had been previously canceled. Claims 19, 21, 24, 26, and 27 have been amended. The claim amendments are fully supported by the specification. In particular, support for amendment to claim 19 can be found, for example, at [0055] and [0056] of the published application (U.S. Publication No. 20060121033), and in claim 20 as previously presented. No new matter has been introduced.

Applicants' cancellation of and amendments to the claims are not in acquiescence to any of the Examiner's rejections. Applicants reserve the right to further prosecute the same or similar claims in the instant or in one or more subsequent patent applications claiming priority to the instant application.

Applicants respectfully request entry of applicants' after-final amendments. Applicants' amendments either place this case in condition for allowance or simplify issues for appeal. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the outstanding Office Action.

### *Withdrawn Objections and/or Rejections*

Applicants note with appreciation that the previous objection to claim 22 has been withdrawn.

Applicants note with appreciation that the previous objection to the title of the specification has been withdrawn.

Applicants note with appreciation that the rejection of claim 19-25 under 35 U.S.C. 112, first paragraph, enablement, has been withdrawn.

*Claim Rejections – 35 U.S.C. 112, First Paragraph, Written Description*

Claims 33-41 are rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants respectfully disagree with the rejection. Nonetheless, solely to expedite prosecution, Applicants have canceled claims 33-41. Reconsideration and withdrawal of this rejection are requested.

*Claim Rejections – 35 U.S.C. 112, First Paragraph, Enablement*

Claims 19 and 22-41 are rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to enable one of skill in the art to practice the claimed invention. Applicants respectfully disagree with the rejection.

Nonetheless, solely to expedite prosecution, Applicants have amended claims 19, 24, 26, and 27, and canceled claims 22 and 31-41. Claim 19, as amended, is now directed to a method for enriching the percentage of macrophages in a sample of cells using an antibody that binds to DC-SIGN, or an antigen-binding fragment of said antibody. The Examiner has acknowledged at page 3 of the Office Action that the specification is “enabling for a method for enriching the percentage of macrophages in a sample of cells using an antibody that binds to DC-SIGN.” Therefore, claims 19 and 23-30, as amended, are enabled throughout their scope.

Reconsideration and withdrawal of this rejection are requested.

*Claim Rejections – 35 U.S.C. 112, Second Paragraph*

Claims 26 and 39 are rejected under 35 U.S.C. 112, second paragraph, for allegedly being indefinite. Applicants respectfully traverse and contend that the rejection is moot in view of the amended claims. Claim 39 has been canceled. Claim 26 has been amended to depend from claim

19 and further recites that “said sample is a synovial fluid sample.” Support for using a synovial fluid sample can be found, e.g., at paragraph [0046] of the published application.

Reconsideration and withdrawal of this rejection are requested.

*Claim Objections*

Claims 20 and 21 are objected to as allegedly being dependent upon a rejected based claim, but would otherwise be allowable. Applicants’ amendments to the claims are believed to obviate this objection.

**CONCLUSION**

In view of the above amendments, Applicants believe the pending application is in condition for allowance. The Examiner is invited to telephone the undersigned to discuss any issue pertaining to this response. Applicants request favorable consideration of the application and early allowance of the pending claims.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. ALXN-P01-095 from which the undersigned is authorized to draw.

Dated: April 28, 2009

Respectfully submitted,

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